

APPEAL NO. 170169  
FILED APRIL 5, 2017

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on December 20, 2016, in (city), Texas, with (hearing officer) presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the (date of injury), compensable injury does not extend to reflex sympathetic dystrophy (RSD) of the right upper extremity; (2) the respondent (claimant) reached maximum medical improvement (MMI) on October 29, 2015; (3) the claimant's impairment rating (IR) is six percent; (3) the claimant had disability from July 11 through October 29, 2015, resulting from the compensable injury; and (4) the claimant did not have disability from October 30, 2015, through the date of the hearing resulting from the compensable injury.

The appellant (carrier) appealed the hearing officer's Decision and Order requesting numerous clerical corrections and further requesting review of those portions of the decision complained of should they be determined not simply to be clerical errors. The appeal file contains no response from the claimant to the carrier's request for review.

The hearing officer's determination that the (date of injury), compensable injury does not extend to RSD of the right upper extremity was not appealed and has become final pursuant to Section 410.169.

The hearing officer's determination that the claimant reached MMI on October 29, 2015, was not appealed and has become final pursuant to Section 410.169.

The hearing officer's determination that the claimant's IR is six percent was not appealed and has become final pursuant to Section 410.169.

**DECISION**

Affirmed as reformed.

The claimant was injured on (date of injury), when her right arm was caught between a box and a conveyor belt causing injury to her right forearm.

**CLERICAL CORRECTIONS**

In Finding of Fact No. 1, the hearing officer stated that the parties stipulated to the following fact:

1.C. On (date of injury), [the] [e]mployer provided workers' compensation insurance through [the] City of (city) ([s]elf-[i]nsured), [c]arrier.

A review of the record reveals that the actual stipulation of the parties was that the workers' compensation carrier in this case is Safety National Casualty Corporation, a fact further established by the Carrier Information Sheet admitted into evidence as Hearing Officer's Exhibit No. 2. Accordingly, we reform Finding of Fact No. 1.C. to reflect the actual stipulation of the parties and the correct carrier in this case as follows:

1.C. On (date of injury), the employer provided workers' compensation insurance through Safety National Casualty Corporation, carrier.

In her Finding of Fact No. 1, the hearing officer stated that the parties stipulated to the following fact:

1.D. On (date of injury), [the] [c]laimant sustained a compensable injury in the form of a lumbar strain, left shoulder strain, and conjunctival foreign body in the left eye.

A review of the record in the case reveals that the actual stipulation of the parties was that the claimant sustained a compensable injury on (date of injury), in the form of a right forearm contusion and a right forearm crush injury, a fact further established by the evidence admitted. Accordingly, we reform Finding of Fact No. 1.D. to reflect the actual stipulation of the parties as follows:

1.D. On (date of injury), the claimant sustained a compensable injury in the form of a right forearm contusion and a right forearm crush injury.

The hearing officer stated in the Parties Present section of her decision that "[DA] attended on behalf of the employer." The carrier argues that DA did not attend the CCH as a representative of the employer but only appeared as a witness for the carrier and was present in the hearing room only when offering testimony. The carrier requests that the statement in quotation marks above be deleted from the Decision and Order. A review of the record reveals that the hearing officer announced on the record and during the hearing that DA was present as an employer representative. The carrier made no objection to such announcement nor was any effort made at that time to identify DA as solely a fact witness for the carrier. For such reason we hold that the carrier waived its right to object to DA's designation as an employer representative and decline to make the requested correction to the Parties Present section of the decision.

## DISABILITY

The hearing officer's determination that the claimant had disability from July 11 through October 29, 2015, but did not have disability from October 30, 2015, through the date of the CCH is supported by sufficient evidence and is affirmed. We note that in her discussion the hearing officer inadvertently referenced July 30, 2015, rather than October 30, 2015.

The true corporate name of the insurance carrier is **SAFETY NATIONAL CASUALTY CORPORATION** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
1999 BRYAN STREET, SUITE 900  
DALLAS, TEXAS 75201-3136.**

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K. Eugene Kraft  
Appeals Judge

CONCUR

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Carisa Space-Beam  
Appeals Judge

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Margaret L. Turner  
Appeals Judge